

UNITED STATES PATENT AND TRADEMARK OFFICE

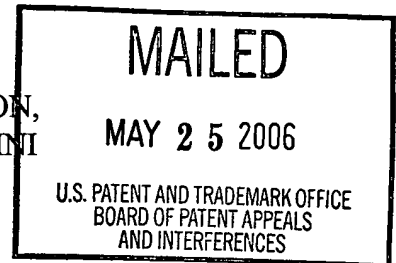
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte: GEORGE S. GALES, CRAIG D. ANDERSON,  
RICHARD L. SCHERTZ and RICHARD P. TARQUINI

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Application No. 10/001,431

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on May 16, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

On January 19, 2006, an Examiner's Answer was mailed, responding to the Appeal Brief filed September 21, 2005. A review of the Examiner's Answer reveals it is not in compliance with the Manual of Patent Examining Procedure, MPEP § 1207.02 which states:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

Correction of the record is required.

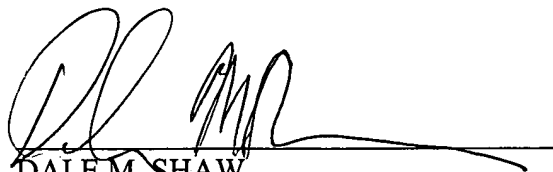
CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- 1) to vacate the Examiner's Answer mailed January 16, 2006;
- 2) to issue a revised Examiner's Answer identifying all required headings in accordance with the new rules effective September 13, 2004; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'D. M. Shaw', is written over a horizontal line.

DALE M. SHAW  
DEPUTY CHIEF APPEAL ADMINISTRATOR  
(571) 272-9797

DMS/dpv

Application No. 10/001,431

Hewlett-Packard Company  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400